

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/425,471 10/22/99 GESCHWENDER

J FDC-0136-PUS

TM02/0703

EXAMINER

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POINVILLE

ART UNIT PAPER NUMBER

2164

DATE MAILED:

07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/425,471	Applicant(s) GESCHWENDER ET AL.
Examiner Frantzy Poinvil	Art Unit 2164



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Oct 22, 1999

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3, 4, 5

18) Interview Summary (PTO-413) Paper No(s). _____

19) Notice of Informal Patent Application (PTO-152)

20) Other: _____

Serial Number: 09/425,471

Art Unit: 2164

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gopinathan (US Patent No. 5,819,226) in view of Schott (dialog file 148, accession no. 07947406).

As per claims 1-4 and 14-17, Gopinathan et al (5,819,226) discloses a fraud detection system using predictive modeling. The system comprises a computer database for receiving contact event information from a client, a computer software in communication with the computer database for comparing the contact event information with information stored in the database and a communication networks for informing the client that a fraud match has occurred. Note column 3, line 27 to column 7, line 60 and column 27, line 48 to column 28, line 24 of Gopinathan et al.

As per claims 5 and 18, Gopinathan does not explicitly discuss card activation means.

These teachings are taught by Schott. As per claim 1, in an article by Schott, it is disclosed methods currently employed to prevent credit card fraud. These methods comprise: obtaining contact event information from a client during a contact event;

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comparing the contact event information with information stored in a database and sending a fraud alert to a client in real time for communicating to the client that a fraud match has occurred. Note the entire article, particularly page 4.

As per claim 6 and 19, note page 4 of the article.

As per claim 7 and 20, note page 3 of the article.

As per claim 8 and 21, note page 7 of the article.

As per claim 9 and 22, note pages 2 and 6 of the article.

As per claim 10 and 23, note page 4 of the article.

As per claim 11 and 24, note page 4 of the article.

As per claim 12 and 25, note pages 4-5 of the article.

As per claim 13 and 26, note page 4-5 of the article.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Schott et al into Gopinathan et al with the motivation of checking most types of fraud that may occur in relation to the usage or activation of a financial card in a computerized system as suggested by Schott.

3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is

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(703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

30Jun01

F Poinvil
Frantzy Poinvil
Primary Examiner
Art Unit 2164